

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RICHARD TINDAL, 02B1872,

Plaintiff,

v.

DECISION & ORDER

04-CV-6312

GLENN S. GOORD; LESTER N. WRIGHT;
HOLLY A. COLLETT; ANTHONY J. ANNUCCI;
HEMAN FOWLER; FLOYD BENNETT;
DR. AT FIVE POINTS CORRECTIONAL FACILITY;
DR. NORTHRUP, Southport Correctional Facility;
MICHAEL MCGINNIS; PANG KOOI;
BILL ROBINSON; JOHN BURGE, Supt.;
VIRGINIA ANDROSKI; THOMAS POOLE, Supt.
and N. BRADT, Acting Supt.;

Defendants.

Plaintiff, an inmate at the Cayuga Correctional Facility, filed suit in the above-captioned matter pursuant to 28 U.S.C. § 1983, alleging that defendants violated his constitutional rights through their deliberate indifference to his medical needs. (Docket # 1). On November 3, 2005 and April 21, 2006, plaintiff filed two essentially identical motions to compel. (Docket ## 103, 120). Both motions seek the results of urinalysis tests performed on June 19 and June 23, 2003, by Medilabs, a private laboratory. (Docket ## 103, 120). Attached to plaintiff's second motion, however, are letters from Glenn Levine, Medilabs' director of Correctional Operations. Within the letters, Levine advised plaintiff that original copies of the requested results have been sent to the medical department at the Cayuga Correctional Facility, and that he is entitled to such results under the Freedom of Information Act. (Docket # 120). Accordingly, since it appears

that the documents at issue have been placed in plaintiff's medical file, his motions to compel such documents from Medilabs (**Docket ## 103 120**) are **DENIED** as moot. Counsel for the defendants shall provide the documents to plaintiff within thirty days of receipt of this order.

IT IS SO ORDERED.

s/Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
May 4, 2006.